101-100

CONTINUING APPROPRIATIONS, FISCAL YEAR 1990

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Public Law 101-100
101st Congress

Joint Resolution

Sept. 29, 1989
[H.J. Res. 407]

Making continuing appropriations for the fiscal year 1990, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1990, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary for continuing projects or activities (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1989 and for which appropriations, funds or other authority would be available in the following appropriations Acts:

The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990, notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956 and section 701 of the United States Information and Educational Exchange Act of 1948, as amended;

The Department of Defense Appropriations Act, 1990, notwithstanding section 502(a)(1) of the National Security Act of 1947;

The District of Columbia Appropriations Act, 1990;

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, notwithstanding section 10 of Public Law 91-672 and section 15(a) of the State Department Basic Authorities Act of 1956;

The Department of the Interior and Related Agencies Appropriations Act, 1990;

The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1990;

The Legislative Branch Appropriations Act, 1990;

The Military Construction Appropriations Act, 1990;

The Rural Development, Agriculture, and Related Agencies Appropriations Act, 1990;

The Department of Transportation and Related Agencies Appropriations Act, 1990;

The Treasury, Postal Service, and General Government Appropriations Act, 1990; and

The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1990.

(b) Appropriations made by this section shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

(c) No appropriation or funds made available or authority granted pursuant to this section shall be used to initiate or resume any

project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1989.

(d) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this section as passed by the House as of October 1, 1989, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 1989, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority: *Provided*, That where an item is included in only one version of an Act as passed by both Houses as of October 1, 1989, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1989: *Provided further*, That congressional operations—Senate shall be continued under the appropriation, fund, or authority granted by the Act passed by the Senate, at a rate for operations not exceeding the rate permitted by the action of the Senate and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1989.

(e) Whenever an Act listed in this section has been passed by only the House as of October 1, 1989, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the House, at a rate for operations not exceeding the current rate or the rate permitted by the action of the House, whichever is lower, and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1989: *Provided*, That where an item is funded in applicable appropriations Acts for the fiscal year 1989 and not included in the version passed by the House as of October 1, 1989, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by applicable appropriations Acts for the fiscal year 1989, at a rate for operations not exceeding the current rate and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1989.

(f) No provision which is included in an appropriations Act enumerated in this section but which was not included in the applicable appropriations Act for fiscal year 1989, and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution.

(g) No appropriation or funds made available or authority granted pursuant to this section for the Department of Defense shall be used for new production of items not funded for production in fiscal year 1989 or prior years, for the increase in production rates above those sustained with fiscal year 1989 funds, or to initiate, resume, or continue any project, activity, operation, or organization which are defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element and for investment items are further defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item which includes a program element and subprogram element within an appropriation account, for which appropriations, funds, or other authority were not available during the fiscal year 1989: *Provided*, That no appropriation or funds made available or authority granted

pursuant to this section for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

(h) Such amounts as may be necessary for projects or activities provided for in the Energy and Water Development Appropriations Act, 1990, at a rate for operations and to the extent and in the manner provided for in the conference report and joint explanatory statement of the committee of conference (H. Rept. No. 101-235) adopted in the House of Representatives on September 12, 1989, and in the Senate on September 14, 1989.

SEC. 102. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) October 25, 1989, whichever first occurs.

SEC. 103. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 104. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 105. No provision in any appropriations Act for the fiscal year 1990 referred to in section 101 of this joint resolution that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 102(c) of this joint resolution.

SEC. 106. Appropriations and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 107. For necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), an additional $1,108,000,000 for fiscal year 1989, to remain available until expended.

Approved September 29, 1989.

LEGISLATIVE HISTORY—H.J. Res. 407:

HOUSE REPORTS: No. 101-249 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 135 (1989):
Sept. 26, considered and passed House.
Sept. 28, considered and passed Senate, amended. House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 25 (1989):
Sept. 29, Presidential remarks and statement.

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